

the parties in difference to the person so rebuilding as aforesaid; and the said Official Referees shall and may (if they see fit) award to either of the parties such costs as they shall deem reasonable; which award, in writing, shall be binding and conclusive against all and every person and persons, bodies politic and corporate, including the Queen's Majesty, her heirs and successors, claiming any estate, right, title, trust, use or interest in, to or out of the said premises, or any part thereof, either in possession, reversion, remainder or expectancy, and against all other persons whomsoever; and a copy of such award, under the hands of the said Referees shall be delivered to any party requiring it, paying therefor; and such copy of such award shall and may be taken and read as evidence in all courts of law and equity whatever; and after the expiration of *Fourteen Days* from and after the obtaining such award, and payment or tender, in manner hereinafter directed, of the sum or sums of money (if any) thereby assessed or awarded, or where no such sum of money shall be so assessed or awarded, after the expiration of *Fourteen Days* from and after the obtaining such award, the person who shall have applied for and obtained such award, his heirs, executors or administrators, servants or workmen, shall and may pull down his own house or other building and rebuild the same in the manner so ascertained by such award (except as hereinafter provided), and to that end shall and may, in the presence of a constable or headborough, or other officer of the peace, enter upon the site of the ground so ascertained for a party wall or party arch, and into the building (if any be) adjoining to the building or party wall or party arch intended to be rebuilt, at any time between the hours of *Six* in the morning and *Seven* in the afternoon (Sundays excepted); and if the outer door of such house or building be shut, and the person therein refuse to open the same, being thereunto required, or if such house or other building be empty and unoccupied, shall and may break open such outer door and remove to some other part of the same premises, or in case there be no room on the premises sufficient for this purpose, may remove to any other place any goods, furniture or other thing obstructing the building of such intended party wall or party arch, or the pulling down any wall, partition or other thing necessary to be pulled down and removed in order to the building such intended party wall or party arch; and from and after such entry as aforesaid, and at all usual times of working, it shall be lawful for the builder employed to erect such intended party wall or party arch, and his servants and all others employed by him, to enter into and upon the premises and abide therein the usual times of working for the shoring up of the said house or other building so broke into and entered upon, and for taking down, and removing any party wall, partition, wallscot or other thing necessary to be taken down and removed for the purpose aforesaid, and to build such intended party wall or party arch; and if any such owner or occupier or other person shall in any manner hinder or obstruct any workman employed for any of the purposes aforesaid, or willfully damage or injure the said works, every such person so offending shall for every such offence forfeit and pay not exceeding the sum of *Ten Pounds*, to be levied, recovered and applied as the several penalties of *Ten Pounds* hereinafter mentioned are directed to be levied, recovered and applied: Provided, That nothing herein contained shall render it lawful for the owner desirous of rebuilding, to commence such pulling down and rebuilding, or to enter into or upon the other house or adjoining building for that purpose, without the consent of the owner thereof, until the expiration of *Six calendar Months* after the date of the first notice, or before the expiration of *Fourteen Days* from the dates of such award.

And be it Enacted, That it shall be lawful to raise any house or building, provided the party and external walls and chimneys thereof when so raised shall be of the materials, and of the several heights and thicknesses hereinafter described for party and external walls and chimneys of the rate such house or building shall be of when so raised: nevertheless it shall be lawful to raise for a height, not exceeding *Ten Feet*, any house or building already built in accordance with the said Act of the fourteenth year of the reign of his late Majesty King George the Third, provided the party and all other walls of such house or building shall be, in the opinion of the Surveyor, of sufficient strength to allow of such raising.

And be it enacted, That if any house or building shall be raised, the owner of such house or building shall build up, at his own expense, the party walls of any adjoining house or building, and all flues and chimney stacks belonging thereto; but if the owner of any such adjoining house or building shall at any time make use of any portion of the part raised of such party wall, he shall repay to the owner who built the same the cost of the portion he shall so use, together with such parts of the chimney stacks as belong thereto: Provided nevertheless, That the owner of any such adjoining house or building shall have the full use of all the flues raised which he had before without being liable for any portion of the cost of raising such party wall, flues and chimney stacks.

And be it Enacted, That if the owner or occupier of any ground, house or building shall excavate or dig out the ground adjoining to or against any wall, whether of a house or building or otherwise, or against any part thereof, deeper than the foundation of such wall, then the owner or occupier who shall excavate such ground shall, at his own costs, shore up and underpin such wall or such part thereof, for its full thickness and to the full depth of such excavation, with good sound stock bricks and tiles, or slates bedded in cement, such underpinning to be done in a

workmanlike and substantial manner, and to the satisfaction of the Surveyor.

And be it Enacted, That the owner or occupier of any house or building, intending to pull down the same in part or altogether, shall give *One Month's* notice in writing of such his intention to the owner or occupier of any other house or building separated from his own by a party wall (if such party wall shall not be ruinous and defective); and in such case such owner or occupier intending to pull down in part or altogether shall, at his own costs, cause such adjoining house or building to be properly and effectually shored up and protected inside and outside as shall be found necessary, and shall make good every injury and damage which shall be done to such adjoining house or building by such pulling down in part or altogether, and that the amount of such injury and damage shall be claimed and recovered in all respects as heretofore directed concerning the reimbursement of the expenses of building party walls.

And be it Enacted, That if any house, building or wall, or any part thereof, shall be in a ruinous condition, so as to endanger the lives and limbs of the inhabitants thereof, or the passengers, it shall be the duty of the Surveyor and of the Overseers for the time being of the parish or place in which the same shall be, and he and they shall and are hereby required to cause a survey to be made thereof forthwith by such Surveyor and the aforesaid Official Referees; and if upon such survey it shall be certified by any such Surveyor and the Official Referees, that the said house, building or wall is in a ruinous condition and dangerous, it shall be lawful for the Court of Mayor and Aldermen in respect of any such house, building or wall within the city of London and the liberties thereof, or for the Overseers of the poor for the time being of the parish or place in which such house, building or wall shall be situated, not being in the city of London or the liberties thereof; and the said Court, and every such Overseer of the Poor is and are hereby required, on notice of any such certificate being made, and a copy thereof being laid before them or him respectively, to cause with all convenient speed a proper and sufficient board to be put up for the safety of all passengers, and to cause notice in writing to be given to the owner or occupier thereof, to repair or pull down such house, building or wall, or any part thereof, as the case may require, within *Fourteen Days* then next ensuing; and if such owner or occupier of any such house, building or wall shall not begin to repair or pull down the same or such part thereof within the said *Fourteen Days* after such notice so given or affixed as aforesaid, and complete such repairs or pulling down as soon as the nature of the case will admit, then on oath being made before the said Mayor or a Justice of the Peace for the said city, county or liberty wherein the said ruinous house or building shall be situated, of such offence having been so given, which oath every of them the said Mayor and Justices is hereby empowered and required to administer, the said Court of Mayor and Aldermen, by and out of the cash in the Chamber of London, as regards property within the City of London and the deputies thereof, and also every such Overseer of the Poor, as regards all other places, by and out of the money in his hands, are hereby severally authorized and required, with all convenient speed, to order and cause such house, building or wall, or such part thereof so certified to be in a ruinous condition and dangerous, as the said Court or the said Overseers of the Poor find necessary for the safety of the passengers, to be repaired, or pulled down or secured, in such manner as shall from time to time be requisite: and to sell and dispose of such of the materials as the said Court of Mayor and Aldermen, or the said Overseers of the Poor, shall judge necessary, and out of the monies arising from the sale thereof to reimburse, repay and satisfy to themselves, to the Referees and Official Referees, and to every other person by them respectively employed for the purposes aforesaid, all the charges of the survey and of putting up every such board, and of repairing, pulling down and securing as aforesaid, and of selling the said materials as aforesaid, or so much thereof as the monies arising by such sale will extend to pay, and shall account for and pay the surplus of the monies arising by such sale (if any) to the owner of every such house, building or wall, upon demand thereof made by such owner; and if no such demand made, then such surplus shall, as regards places within the city of London and the liberties thereof, be paid to the Chamberlain of the City; and as regards all other places, the same shall be added to the monies raised and collected by virtue of the rates made for the relief of the poor of the said parish; and accounted for as such: Provided nevertheless, That any such owner, his executors or administrators, shall and may, at any time or times within the term of *Six Years* then afterwards, be entitled to have and receive such surplus; and every Overseer, as regards places not within the said city or liberties thereof, is hereby required to pay the same accordingly out of any monies raised or to be raised by any rate or rates for the relief of the poor; and if the monies arising from such sale shall be insufficient to repay all such fees and charges, then such deficiency shall from time to time be paid by the owner of every such house or building, if known; and if such owner, on demand thereof, neglect or refuse to pay the same, then such deficiency may be levied by warrant under the hand and seal of the Mayor of the said city of London for the time being, if such ruinous building in question shall be within the city of London or the liberties thereof, or under the hands and seals of Two or more Justices of the Peace, by distress and sale of the goods and chattels of such owner, if any such can be found; and if no such owner can be met with, or being met with shall not on demand pay the said deficiency, and no

sufficient distress of his, her or their goods and chattels can be found, then the person who shall at any time thereafter occupy any such house or building, or the ground, where the same stood, is hereby required and authorized to pay and deduct the same out of the rent thereof, and if he neglect or refuse to pay such deficiency of charges, then the same shall, by warrant under the hand and seal of the said Mayor of the said city, or under the hands and seals of Two or more such Justices of the Peace as aforesaid, be levied by distress and sale of the goods and chattels of any occupier of the premises, together with the costs of every such distress and sale; and all money received or recovered on the account aforesaid, for or in respect of any such house, building or wall or part thereof, within the city of London, or the liberties thereof, shall be paid to the Chamberlain of the said city, and be by him from time to time placed to the credit of the cash of the said city of London, and all money on account aforesaid, from time to time received or recovered for or in respect of any such house, building or wall or part thereof, in any part of the limits aforesaid, other than the said city of London and the liberties thereof, shall be paid to the Overseers of the poor for the time being of the parish where the same shall be situated, and shall be placed to the account of the said parish, in aid of such or a like rate or fund out of which the expenses and charges so received or recovered were originally disbursed.

And be it Enacted, That if the chimney-shaft, chimney-pot or other thing thereon, or eaves, or parapet, or coping, or slates, or tiles on roof, or projection in front of walls of any house or building shall be deemed by the Surveyor to be in imminent danger of falling, it shall be the duty of such Surveyor, and he is hereby required to give notice thereof under his hand to the occupier of such house or building, either personally or by leaving the same at or affixed to some conspicuous part of the said house or building, requiring such occupier, or the owner, if known, and there shall be no occupier, forthwith to take down, repair, rebuild or otherwise secure the same to the satisfaction of such Surveyor; and if such occupier or some other person interested in such house or building shall not begin to take down, repair, rebuild or secure the same within the space of *Thirty-six Hours* after such notice as aforesaid shall have been given, left or affixed, and complete such taking down, repairing, rebuilding or otherwise securing the same, to the satisfaction of such Surveyor, as soon as the nature of the case will admit, such Surveyor shall give information thereof to any Justice of the Peace, who shall proceed thereupon to cause such chimney-shaft, chimney-pot, or other thing thereon, or parapet, or coping, or slates or tiles on roof, or projection in front of wall of such house or building as shall be considered by such Surveyor in imminent danger, to be forthwith taken down, repaired, rebuilt or otherwise secured; and in case the occupier, or some other person interested in such house or building, shall not have taken down, repaired, rebuilt or otherwise secured the same within the time limited as aforesaid, the occupier of such house or building, or the owner, if there shall be no occupier, shall forfeit and pay the sum of *Five Pounds* for every day during which the same shall so remain unrepaired or not sufficiently secured, such penalty to be levied, recovered and applied in the same manner as any other penalty is by this Act directed to be levied, recovered and applied; and the occupier or owner of such house or building shall, over and above the aforesaid penalty, pay the Surveyor's fees and all other costs, charges and expenses attendant upon any such taking down, repairing, rebuilding or otherwise securing such matters and things as aforesaid, and all such Surveyor's fees and other costs, charges and expenses may be recovered and levied in the same manner as such penalty: Provided always, That in all cases in which the occupier of such house or building shall not be virtuous of the lease or other instrument under which he occupies the same, he be bound to repair, relapse or secure such matters or things as aforesaid, such occupier shall have the like right to retain out of the rent payable in respect of the same premises, all such penalties, costs, charges and expenses attendant upon or arising out of the taking down, repairing, rebuilding or otherwise securing the same as hereinafter given, and no costs or expenses shall be recoverable until the same shall be certified by the said Official Referees to be correct, and their decision shall be final.

And be it Enacted, That if any injury or damage shall at any time be caused to any house or building, or to the internal decorations and furniture therein, by the falling down of any chimney-shaft, chimney-pot, parapet, coping or other thing, from any other house or building, such injury or damage shall be made good at the cost of the owner or occupier of the house or building from which the same shall fall, in like manner as herein directed concerning the reimbursement of the expenses of party walls, provided only, the same shall not be any such part of a party wall as shall belong to and be used by the owners or occupiers of both houses or buildings; and such costs shall be recoverable in the manner hereinafter directed for the recovering of all other costs and expenses.

And be it Enacted, That every of the owners of every party wall shall keep in substantial repair such portion of such party wall, and of the chimney-stacks, chimney-pots, flues and other things in or attached thereto as shall belong to him; and in case any of the owners of a party wall shall neglect to keep all such portions as aforesaid in substantial repair which may be above the roofs of the adjoining house or building, so as to endanger the same, it shall be lawful for the owner or occupier of such adjoining house or building, by and with the consent of the Surveyor,